

Appendix D

Regulation Chapter Name: Community Pathways Waiver Program for Individuals with Developmental Disabilities						
Services: Residential Habilitation, Day Habilitation, Shared Living						
Reference: COMAR 10.09.26						
http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.09.26.*						
Service Setting						
Applicable to the following settings: Group Homes, Alternative Living Units, Shared Living, Day Habilitation, Supported Employment						
#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1a	1915c: §441.301(c)(4)(i) 1915i: §441.710(a)(1)(i) 1915k: §441.530(a)(1)(i) The setting is integrated in the greater community		X		COMAR 10.09.26.01 Definitions (4) "Day habilitation services" means a program of habilitation and health-related services which is routinely provided during the day in a community setting for a minimum of 30 hours per week, not less than 5 days per week, according to an individually designed and implemented plan of services. On one of the 5 days the program may be provided for not less than 4 hours. The habilitation program may include scheduled training or skills development activities which are conducted at sites away from the day habilitation services center. (31) "Residential option services" means one or more of the services described in Regulation .08-2 of this chapter which are intended to assist eligible waiver participants, regardless of the nature and severity of their disability, to live independently and successfully in the community by assisting them to perform activities of daily living and enabling them to live in homes of their choice, receive services from providers of their choice, and take into account the use of community resources and natural supports. .08-5 Covered Services for Medical Day Care. B. Medical day care services shall be provided in accordance with COMAR 10.09.07. .03 Conditions for Participation. D. Respite Care. (1) Residential habilitation or residential option services providers shall provide respite care as necessary to meet the needs of waiver participants. (2) Respite care services shall be received in a: (a) State residential center; or	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

					(b) Community residence:	
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Service Setting
Applicable to the following settings: Group Homes, Alternative Living Units, Shared Living, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1b	The setting supports full access of individuals receiving Medicaid HCBS to the greater community			X	.05 Covered Services for Residential Habilitation. B. Habilitation. The services shall be provided as required and recommended in the IHP. Residential habilitation services providers shall provide, as a minimum, the following: (2) Mobility training to maximize use of public transportation in traveling to and from work training or day programs, work sites, community services, and recreational	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

					<p>sites;</p> <p>.06 Covered Services for Day Habilitation.</p> <p>A. Day habilitation services shall be provided that are required and recommended in the waiver participant's IHP by licensed day habilitation programs and shall include the services listed in Regulation .05 of this chapter and in §B—D of this regulation.</p> <p>B. Transportation.</p> <p>(1) Transportation services shall be arranged for participants by the day habilitation services center staff. The center shall maximize the use of the following types of transportation services in an effort to achieve the least costly, yet appropriate, means of transportation for its participants:</p>	
1c	The setting supports opportunities to seek employment and work in competitive integrated settings		X		<p>.05 Covered Services for Residential Habilitation.</p> <p>B. Habilitation. The services shall be provided as required and recommended in the IHP. Residential habilitation services providers shall provide, as a minimum, the following:</p> <p>(2) Mobility training to maximize use of public transportation in traveling to and from work training or day programs, work sites, community services, and recreational sites; .06 Covered Services for Day Habilitation.</p> <p>D. Prevocational Services.</p> <p>(1) "Prevocational services" means those plans and interventions to assist a waiver participant in acquiring and maintaining basic work and work-related skills.</p>	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
Service Setting						
Applicable to the following settings: Group Homes, Alternative Living Units, Shared Living, Day Habilitation, Supported Employment						
#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1c	The setting supports opportunities to seek employment and work in competitive integrated settings		X		The services are designed to prepare the waiver participant for unpaid or paid employment, but are not job task oriented. Prevocational services have habilitative objectives rather than explicit employment objectives.	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
1d	The setting supports individuals to engage in community life			X	.05 Covered Services for Residential Habilitation. B. Habilitation. The services shall be provided as required and recommended in the IHP. Residential habilitation	The Department is proposing regulation changes to COMAR 10.09.36: General

					<p>services providers shall provide, as a minimum, the following:</p> <p>(1) A program of habilitation which shall:</p> <p>(a) Be specified in the IHP,</p> <p>(b) Provide training in the development of self-help, daily living, self-advocacy, and survival skills, and</p> <p>(c) Use the principles of the Developmental Model;</p> <p>(2) Mobility training to maximize use of public transportation in traveling to and from work training or day programs, work sites, community services, and recreational sites;</p> <p>.06 Covered Services for Day Habilitation.</p> <p>A. Day habilitation services shall be provided that are required and recommended in the waiver participant's IHP by licensed day habilitation programs and shall include the services listed in Regulation .05 of this chapter and in §B—D of this regulation.</p> <p>B. Transportation.</p> <p>(1) Transportation services shall be arranged for participants by the day habilitation services center staff. The center shall maximize the use of the following types of transportation services in an effort to achieve the least costly, yet appropriate, means of transportation for its participants:</p>	Medical Assistance Provider Participation Criteria
1e	The setting supports individuals to control personal resources			X	.05 Covered Services for Residential Habilitation. B. Habilitation. The services shall be provided as required and recommended in the IHP. Residential habilitation services providers shall provide, as a minimum, the following:	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
Service Setting						
Applicable to the following settings: Group Homes, Alternative Living Units, Shared Living, Day Habilitation, Supported Employment						
#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1e	The setting supports individuals to control personal resources			X	(9) Training and assistance to waiver participants in developing money management skills which include recognition of currency, making change, bill paying, check writing, record keeping, budgeting, and saving;	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
1f	The setting supports individuals to receive services in the community, to the same degree of access as individuals			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider

	not receiving Medicaid HCBS					Participation Criteria
2a	1915c: §441.301(c)(4)(ii) 1915i: §441.710(a)(1)(ii) 1915k: §441.530(a)(1)(ii) The setting is selected by the individual from among setting options including non-disability specific settings		X		.03 Conditions for Participation. A. General requirements for participation in the Medical Assistance Program are that the providers: (6) Maintain a written clinical record for each waiver participant which includes: (a) A copy of the waiver participant's signed statement indicating the alternatives of care locations offered to him or her, and his or her choice;	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
2b	Settings include an option for a private unit in a residential setting			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
2c	The setting options are identified and documented in the person-centered service plan			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
2d	The settings options are based on the individual's needs and preferences			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Shared Living, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
2e	For residential settings, options are based on resources available for room and board			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
3a	1915c: 441.301(c)(4)(iii) 1915i: §441.710(a)(1)(iii) 1915k: §441.530(a)(1)(iii) The settings ensures an individual's rights of privacy			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
3b	The settings ensure dignity and respect			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
3c	The settings ensure freedom from coercion			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
3d	The settings ensure freedom from restraint			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
4a	1915c: 441.301(c)(4)(iv) 1915i: §441.710(a)(1)(iv) 1915k: §441.530(a)(1)(iv) The settings optimizes, but does not regiment, individual initiative, autonomy			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
4b	The settings optimizes independence in making life choices			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Shared Living, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
4c	The settings optimizes independence in daily activities		X		<p>.05 Covered Services for Residential Habilitation. B. Habilitation. The services shall be provided as required and recommended in the IHP. Residential habilitation services providers shall provide, as a minimum, the following:</p> <p>(1) A program of habilitation which shall:</p> <p>(b) Provide training in the development of self-help, daily living, self-advocacy, and survival skills, and</p> <p>(c) Use the principles of the Developmental Model;</p> <p>(2) Mobility training to maximize use of public transportation in traveling to and from work training or day programs, work sites, community services, and recreational sites;</p> <p>(3) Training and assistance in developing appropriate social behaviors which are normative in the surrounding community such as conducting one's self appropriately in restaurants, on public transportation vehicles, in recreational facilities, and in stores and other public places;</p> <p>(4) Training and assistance in developing patterns of living, activities, and routines which are appropriate to the waiver participant's age and the practices of the surrounding community and which are consistent with the waiver participant's interest and capabilities;</p> <p>(5) Training and assistance in developing basic safety skills;</p> <p>(6) Training and assistance in developing competency in housekeeping skills including, but not limited to, meal preparation, laundry, and shopping;</p> <p>(7) Training and assistance in developing competency in personal care skills such as bathing, toileting, dressing, and grooming;</p> <p>(8) Training and assistance in developing health care skills, including but not limited to, maintaining proper dental hygiene, carrying out the recommendations of the dentist or physician, appropriate use of medications, application of basic first aid, arranging medical and dental appointments, and summoning emergency assistance;</p>	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Shared Living, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
4c	The settings optimizes independence in daily activities		X		(9) Training and assistance to waiver participants in developing money management skills which include recognition of currency, making change, bill paying, check writing, record keeping, budgeting, and saving; (10) Supervision of individuals as appropriate.	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
4d	The settings optimizes independence in the physical environment			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
4e	The settings optimize independence with whom to interact.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
5a	1915c: §441.301(c)(4)(v) 1915i: §441.710(a)(1)(v) 1915k: §441.530(a)(1)(v) The settings facilitates individual choice regarding services and supports			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
5b	The settings facilitates who provides services and supports			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Residential Services - Provider Owned or Controlled Settings (Group Homes and Alternative Living Units)

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6a(1)	1915c: §441.301(c)(4)(vi) 1915i: §441.710(a)(1)(vi) 1915k: §441.530(a)(1)(vi) (A) The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

	the individual receiving services					
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Residential Services - Provider Owned or Controlled Settings (Group Homes and Alternative Living Units)

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6a(2)	The individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the State, county, city, or other designated entity.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6a(3)	For settings in which landlord tenant laws do not apply, the State ensures that a lease, residency agreement or other form of written agreement will be in place for each HCBS participant			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6a(4)	The State ensures that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6b	(B) Each individual has privacy in their sleeping or living unit			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6c(1)	(C) Individuals have the freedom and support to control their own schedules			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6c(2)	Individuals have the freedom and support to control their own activities			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider

						Participation Criteria
Residential Services - Provider Owned or Controlled Settings (Group Homes and Alternative Living Units)						
#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6c(3)	Individuals have the freedom to access food at any time			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6d	(D) Individuals are able to have visitors of their choosing at any time			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6e	(E) The setting is physically accessible to the individual			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
Person-Centered Service Plan - Modifications for Restrictive Techniques						
#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
	1915c: §441.301 1915i: §441.710 1915k: §441.530					
7	The following requirements must be documented in the person-centered service plan upon any modification of the additional conditions:					
7a	*Identify a specific and individualized assessed need.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Person-Centered Service Plan - Modifications for Restrictive Techniques

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
7b	*Document the positive interventions and supports used prior to any modifications to the person-centered service plan.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7c	*Document less intrusive methods of meeting the need that have been tried but did not work.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7e	*Include a clear description of the condition that is directly proportionate to the specific assessed need.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7f	* Include a regular collection and review of data to measure the ongoing effectiveness of the modification.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7g	*Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7h	*Include informed consent of the individual.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7i	*Include an assurance that interventions and supports will cause no harm to the individual.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria